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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE, : CIVIL NO. 1:00-CV-2123
Plaintiff : (Judge Rambo)
v. : (Magistrate Judge Smyser)
SUPERINTENDENT DRAGOVICH, :
OFFICER VALENTINE, :
OFFICER ZIMMERMAN, :
OFFICER TAYLOR, :
OFFICER NOVAK, :
OFFICER NEY, and :
OFFICER SWIFT, :
Defendants :
APR 12 2001

FILED
HARRISBURG, PA

MARY E. D'ANDREA, CLERK
PER 978 DEPUTY CLERK

ORDER

On December 7, 2000, the plaintiff commenced this 42 U.S.C. § 1983 action by filing a complaint. On February 1, 2001, the plaintiff filed an amended complaint.

On March 6, 2000, the defendants filed a motion to dismiss the complaint. The plaintiff has not filed a brief in opposition to the motion to dismiss as required by Local Rule 7.6, Rules of Court, M.D. Pa.

Generally, a dispositive motion may not be granted merely because it is unopposed. However, when a plaintiff fails to prosecute an action or fails to comply with a court order, the court may dismiss the action pursuant to Fed.R.Civ.P. 41(b) of the Federal Rules of Civil Procedure.

AND NOW, this 12th day of April, 2001, IT IS HEREBY ORDERED that the plaintiff shall file a brief in opposition to the motion to dismiss on or before April 27, 2001. If the plaintiff fails to file a brief in opposition within this time we will consider recommending that this action be dismissed pursuant to Fed.R.Civ.P. 41(b), by application of the factors in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863, 868 (3d Cir. 1984).



J. Andrew Smyser
Magistrate Judge

Dated: April 12, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 12, 2001

Re: 1:00-cv-02123 Jae v. Dragovich

True and correct copies of the attached were mailed by the clerk to the following:

John Richard Jae
SCI-GREENE
#BQ-3219
175 Progress Drive
Waynesburg, PA 15370

Michael L. Harvey, Esq.
Office of Attorney General
Strawberry Square
15th Floor
Harrisburg, PA 17120

cc:			
Judge	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	Pro Se Law Clerk
Magistrate Judge	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	INS
U.S. Marshal	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	Jury Clerk
Probation	(<input type="checkbox"/>)		
U.S. Attorney	(<input type="checkbox"/>)		
Atty. for Deft.	(<input type="checkbox"/>)		
Defendant	(<input type="checkbox"/>)		
Warden	(<input type="checkbox"/>)		
Bureau of Prisons	(<input type="checkbox"/>)		
Ct Reporter	(<input type="checkbox"/>)		
Ctroom Deputy	(<input type="checkbox"/>)		
Orig-Security	(<input type="checkbox"/>)		
Federal Public Defender	(<input type="checkbox"/>)		
Summons Issued	(<input type="checkbox"/>)	with N/C attached to complt. and served by: U.S. Marshal (<input type="checkbox"/>) Pltf's Attorney (<input type="checkbox"/>)	
Standard Order 93-5	(<input type="checkbox"/>)		
Order to Show Cause	(<input type="checkbox"/>)	with Petition attached & mailed certified mail to: US Atty Gen (<input type="checkbox"/>) PA Atty Gen (<input type="checkbox"/>) DA of County (<input type="checkbox"/>) Respondents (<input type="checkbox"/>)	
Bankruptcy Court	(<input type="checkbox"/>)		
Other _____	(<input type="checkbox"/>)		

MARY E. D'ANDREA, Clerk

DATE:

4/12/01

BY:


Deputy Clerk